

13/CO SN-07-05

PETITION FOR ZONING RE-CLASSIFICATION SPECIAL EXCEPTION AND/OR VARIANCE

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an M.L. zone to an B.M. zone, for the reasons given in the attached statement; and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____

and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Kaplan & Kaplan; and

Arthur Guy Kaplan

(Type or Print Name)

11 East Mount Royal Avenue

Address

Baltimore, Maryland 21202-2790

City and State

Attorney's Telephone No.: 752-2090

Address

11 East Mount Royal Avenue 752-2090

Baltimore, Maryland 21202-2790

BALCO-Form 1

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P. E.
DIRECTOR

March 29, 1983

Mr. William T. Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Re: Item #6 Zoning Cycle V (Apr.-Oct. 1983)
Property Owner: Harold Snyder
S/E corner Milford Mill Rd. and Milford Industrial Road
Existing Zoning: M.L.
Proposed Zoning: B.M.
Acres: 0.675
District: 3rd

Dear Mr. Hackett:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Milford Mill Road, an existing public road, is proposed to be improved in the future in this vicinity as a 40-foot closed section roadway on a 60-foot right-of-way with a T-type roadway termination at the Western Maryland Railroad right-of-way, all as a State Highway Administration project in conjunction with the State of Maryland Department of Transportation Mass Transit Administration - Baltimore Region Rapid Transit System - Milford Mill Road Station.

Ventura Lane, County maintained for 0.17 mile south from Milford Mill Road, if improved in the future as a County road would be at a 30-foot closed section roadway on a minimum 40-foot right-of-way with fillet areas for sight distance at the intersection.

Milford Industrial Road, an existing County road, is improved as a 42-foot closed section roadway on a 60-foot right-of-way. No further highway improvements are proposed at this time.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards and Specifications.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 2, 1983

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

ofo
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Arthur Guy Kaplan, Esquire
11 East Mount Royal Avenue
Baltimore, Maryland 21202

RE: Item No. 6 - Cycle No. V
Petitioner - Harold Snyder
Reclassification Petition

Dear Mr. Kaplan:

This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the April-October reclassification cycle (Cycle V). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgement as to their accuracy and submit the necessary amendments to this office before Tuesday, May 31, 1983. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

The subject property is located on the southeast corner of Milford Mill Road and Milford Industrial Road and is improved with the facilities of an auto cleaning and polishing operation. Dwellings exist along Ventura Lane to the east, while industrial uses exist to the south and southeast along Milford Industrial Road.

In view of your client's proposal to reclassify this property from an M.L. to a B.M. zone, this hearing is required.

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

April 11, 1983

Mr. William Hackett
Chairman, Board of Appeals
Office of Law, Courthouse
Towson, Maryland 21204

Cycle V - Meeting of March 15, 1983
Item No. - 6
Property Owner: Harold Snyder

Location: SE/Cor. Milford Mill Road and Milford Industrial Road.
Existing Zoning: M.L.
Proposed Zoning: B.M.

Acres: 0.675
District: 3rd

Dear Mr. Hackett:

The existing M.L. zoning for this site can be expected to generate approximately 65 trips per day and the proposed B.M. zoning can be expected to generate approximately 330 trips per day.

Michael S. Flanagan
Traffic Engineer Assoc. II

MSF/cem

Item No. 6 - Cycle No. V
Petitioner - Harold Snyder
Reclassification Petition
Page 2

The submitted description should be revised to indicate the correct bearing along Milford Mill Road.

In view of the fact that the submitted site plan does not indicate a proposed development, the enclosed comments from this Committee are general in nature. If the requested reclassification is granted, more detailed comments from County agencies and the Committee (if a hearing is required) will be written when a proposed development is indicated.

If you have any questions concerning the enclosed comments, please feel free to contact me at 494-3551. Notice of the specific hearing date which will be between September 1 and December 31, 1983, will be forwarded to you in the future.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Hudkins Associates, Inc.
200 East Joppa Road
Room 101, Shell Building
Towson, Maryland 21204

BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

April 26, 1983

Mr. William Hackett, Chairman
Board of Appeals
Court House
Towson, Maryland 21204

Dear Mr. Hackett:

Comments on Item #6, Cycle V Meeting, March 15, 1983, are as follows:

Property Owner: Harold Snyder
Location: SE/Corner Milford Mill Road and Milford Industrial Road
Existing Zoning: M.L.
Proposed Zoning: B.M.
Acres: 0.675
District: 3rd

Metropolitan water and sewer presently serve the site.

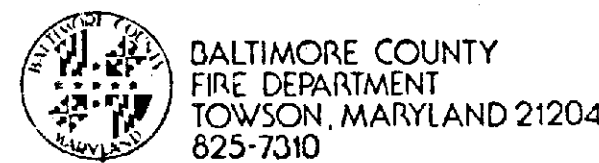
This property is located in the Gwynns Falls Sewerage drainage area. A moratorium has been placed on the Gwynns Falls Sewer Interceptor System by the State of Maryland, Department of Health and Mental Hygiene. As a result, any building permit for construction, renovation or additions to the existing building resulting in increased sewage flows will not be approved until the aforementioned moratorium has been lifted.

The Zoning Plan, as submitted, does not include enough information to enable the Baltimore County Department of Health to make complete comments.

Very truly yours,

IAN J. FORREST, Director
BUREAU OF ENVIRONMENTAL SERVICES

LOF/als



PAUL H. RENCKE
CHIEF

Mr. William Hammond cc: William Hackett
Zoning Commissioner Chairman of Board of Appeals
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Harold Snyder

Location: SE/Cor. Milford Mill Road and Milford Industrial Road

Item No.: 6 Zoning Agenda: Meeting of March 15, 1983

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] 3/14/83 Noted and Approved: [Signature] George M. Hackett
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/nb/cm

HAROLD SNYDER - #R-84-5

Mr. David J. Snyder, son of the Petitioner, testified that his father purchased this parcel within the past two years. He further testified that his father is also the owner-occupier of a parcel directly across the street from the subject property which is presently zoned M.L. He stated that he and his father operate a video-sound business on the parcel across the street from the subject property consistent with the M.L. classification. Mr. Snyder testified that the subject property is currently being used as a service business which services used cars for dealers and private persons. He further stated that only the interior of automobiles (upholstery, dashboards, etc.) were serviced. Mr. Snyder explained that this use of the subject property has been held to be a zoning violation by the Zoning Enforcement Section of the Office of Planning and Zoning, and that a consideration in requesting a B.M. classification is to bring the use of the subject property within the permitted uses allowed by law. Mr. Snyder also testified that the pending emergence of the proximity of the subway to the subject property characterizes a change in the neighborhood.

Mr. James G. Howell, Planner for Baltimore County, testified that the existing classification of the subject property provides many appropriate uses; such as, lumber yard, video business, etc. Mr. Howell further testified that no change in the character of the area has taken place since 1980. He further testified that the Office of Planning has recommended against reclassification because it would amount to spot zoning, a potential increase in auto trips to and from the subject property by as much as six times and because no error or neighborhood change exists.

This Board further notes that the subject property is directly surrounded by M.L. on the south, east and west boundaries, with D.R. 5.5 zoning to the north.

Mrs. Honey Scherr, a resident of the community (Colonial Village), testified that she is opposed to a reclassification of the subject property because of the potential for increased noise and traffic, and because of the potential effect of allowing more B.M. type uses than the present existing business use.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. William Hackett
Chairman of the Board of Appeals
TO: c/o Nicholas Commodari, Zoning Dept. Date: March 18, 1983
Mr. Charles E. Burnham
Building Plans Review Chief
FROM: Cycle Zoning V 1983
SUBJECT: Meeting of March 15, 1983

ITEM #6 Harold Snyder
SE/Cor. Milford Mill Road and Milford Industrial Road

Any proposed changes of use or occupancy or new construction to this property will require an applicable permit/permits. At such time, as the applicant may wish to begin such improvement or use, certain construction drawings, site plans, plot plans, etc., may be required along with the required permit applications. Unapproved occupancies, uses or construction could be deemed a violation of the Baltimore County Building Code as adopted under Council Bill #L-82, and subject to penalties or correction.

The Baltimore County Building Code is composed of The 1981 B.O.C.A. Basic Building Code, The 1981 B.O.C.A. Basic Mechanical Code, The 1981 B.O.C.A. Basic Energy Code, The 1979 One & Two Family Code and Council Bill #L-82. Also enforced by Baltimore County is the State of Maryland Handicapped Code also known as the Code of Maryland Regulations 05.01.07.

Work should begin only after a permit is issued and should be inspected and approved by the various Inspecting Departments before an occupancy permit can be granted.

No other comment can be made at this time due to the limited amount of information provided by the plan submitted.

Section 101.5
Section 103.1 Amended
Section 103.2
Section 111.1 Amended
Section 111.5
Section 111.7
Section 112.0
Section 117.0

HAROLD SNYDER - #R-84-5

Mr. Leonard Levy, a resident of Colonial Village who resides adjacent to the subject property, testified that thirty to forty cars are parked on the subject property on a daily basis and that he finds this practice objectionable. He also voiced safety concerns in the event of a fire, either on the subject property or the nearby lumber yard. Mr. Levy further stated that large amounts of trash and garbage are routinely kept on this property which have caused a rodent problem in the immediate neighborhood.

Mr. Gerald Altman of 4220 Lowell Drive, a twenty-seven year resident of the immediate area, testified that because of the currently existing zoning violation he has been able to witness first hand the adverse effects which would exist if this property were to be zoned B.M. Mr. Altman testified that large amounts of garbage, increased traffic and the present proscribed use of the subject property cause much hazard to the neighbors of Colonial Village.

This Board will also take note of the fact that the subject property has been designated as a specific use for purposes of the 1984 comprehensive map process.

After careful consideration of all the evidence presented in this case, this Board is of the opinion that Petitioner has not proven error or neighborhood change as set forth in §2-58.1 of the Baltimore County Code. Accordingly, this Board will deny Petitioner's request for reclassification.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 11th day of January, 1984, by the County Board of Appeals ORDERED, that the reclassification petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

William T. Hackett
William T. Hackett, Chairman

Joanne A. Suder

William R. Evans

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: March 15, 1983

Mr. Walter Reiter
Chairman, Board of Appeals
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Zoning Cycle #V

RE: Item No: 6
Property Owner: Harold Snyder
Location: SE/Cor. Milford Mill Road and Milford Industrial Road
Present Zoning: M.L.
Proposed Zoning: B.M.

School Situation

School	Enrollment	Capacity	Over/Under
--------	------------	----------	------------

Acreage too small to have an effect on student population.

Student Yield With:	Existing Zoning	And	Proposed Zoning
Elementary			
Junior High			
Senior High			

Very truly yours,
[Signature]
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

Put this list of those present at meeting
in file per O. Zimmerman

Mae Winton
4204 Lowell Dr. 21208-486-2729

Gerald Altman Jr.
4220 Lowell Drive (301) 486-2824

Shan Gooden
4207 Lowell Dr. 21208 484-3542

Please send a copy of the
decision to

Honey Scherr
6950 Deerfield Rd.
Pikesville, MD 21208

IN THE MATTER OF THE APPLICATION OF HAROLD SNYDER FOR REZONING FROM M.L. TO B.M. ZONE SE CORNER MILFORD MILL AND MILFORD INDUSTRIAL ROADS 3RD DISTRICT

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

NO. R-84-5 (Item #6 - Cycle V)

OPINION

This matter comes before this Board on a petition for reclassification of property located at 4301 Milford Mill Road. The subject property is located on the southeast corner of Milford Mill Road and Milford Industrial Road. This property is currently zoned M.L. and Petitioner seeks a reclassification to B.M. zoning. The subject property consists of .675 acres and is located in the Third Election District of Baltimore County.

In order to prevail on a petition for reclassification, pursuant to §2-58.1 (j), (1) and (2) of the Baltimore County Code, a Petitioner must establish either a substantial change in the character of the neighborhood or error.

1 - "(j) Before any property is reclassified pursuant to this section, the board of appeals must find:

(1) That there has occurred a substantial change in the character of the neighborhood in which the property is located since the property was last classified, or that the last classification of the property was established in error; and

(2) That the prospective reclassification of the property warranted by that change or error. Any finding of such a change or error and any finding that the prospective reclassification is warranted may be made only upon consideration of factors relating to the purposes of the zoning regulations and maps, including, but not limited to, all of the following: Population trends; availability and adequacy of present and proposed transportation facilities, water-supply facilities, sewerage, solid-waste-disposal facilities, schools, recreational facilities, and other public facilities, compatibility of uses generally allowable under the prospective classification with the present and projected development or character of the surrounding area; any pertinent recommendation of the planning board or office of planning and zoning; and consistency of the current and prospective classifications with the master plan, the county plan for sewerage and water-supply facilities, and the capital program."

Dorothy CHRISTOPHER
7112 DEERFIELD RD
BALTIMORE - 21208

JoAnne & Maimon Hayoun
7110 Deerfield Rd.
Baltimore, Md. 21208
653-3948

Mr. & Mrs. Herzberger
7112 Deerfield Rd.
Baltimore, Md. 21208
484-6897

LOUIS FEINGOLD & JANET FEINGOLD
4222 MILFORD MILL RD
BALTO MD 21208 - 484-4245

MALCOLM DAVIES
4215 LOWELL DRIVE
BALTO MD 21208 486-3510

Mrs. H. Lipsitz
4220 Milford Mill Rd
Baltimore, Md. 21208 484-0704

Marcia B. Neff (43 yrs)
4209 Milford Mill Rd
Pikesville, Md 21208 486-6792

Ron Biederman
4219 Milford Mill Rd
Balto Md 21208 653-0488

Bernie J. Kintz
7037 Green Rd. 21208 486-7466 (even)



County Board of Appeals of Baltimore County

Room 200 Court House
Towson, Maryland 21204
(301) 494-3180

January 11, 1984

Arthur Guy Kaplan, Esquire
11 East Mount Royal Avenue
Baltimore, Md. 21202-2790

Re: Case No. R-84-5
Harold Snyder

Dear Mr. Kaplan:

Enclosed herewith is a copy of the Order and Opinion passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart,
Administrative Secretary

Encl.

cc: Harold Snyder
Honey Scherr
John W. Hessian, III, Esq.
J. Jablon
J. E. Dyer
J. Jung
N. E. Gerber
J. G. Hoswell
Board of Education
Irving Bowers, Esq.
Gerald Altman, Esq.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 113073

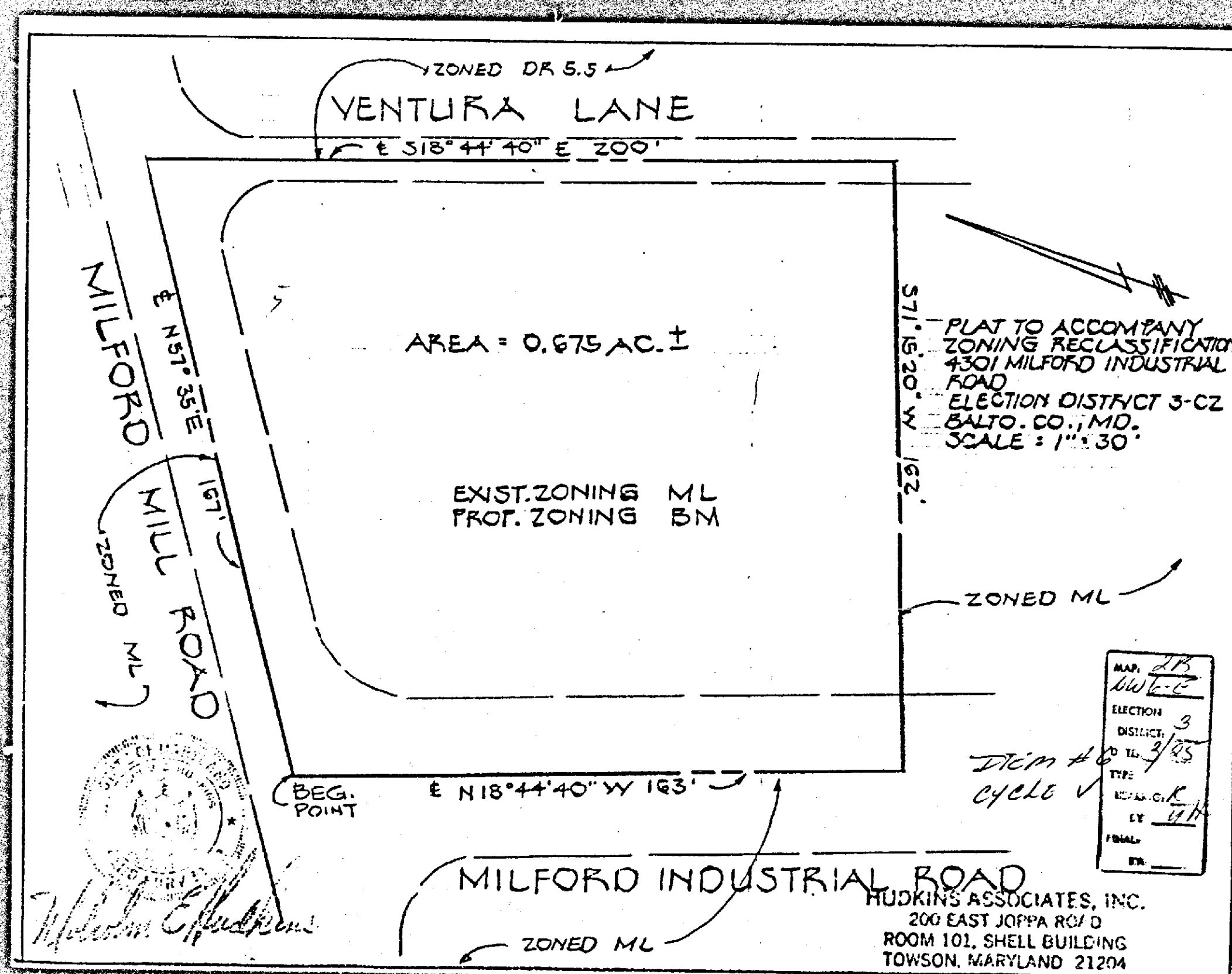
DATE 2/23/63 ACCOUNT 01-615-000

AMOUNT 100.00

RECEIVED Filing Per Person Records
FROM International Seismol Corp.

FOR _____

① 003*****100016 2325A



CERTIFICATE OF PUBLICATION

TOWSON, MD., -----September 15, 1983-----

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., ~~once in each~~ of one time ~~three or more weeks~~ before the 14th day of October, 1983, the first publication appearing on the 15th day of September.

THE JEFFERSONIAN

Cost of Advertisement, \$ 19.25

[illegible]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 2nd Date of Posting Sept. 16, 1953
 Posted for: Reclassification
 Petitioner: H. Craig Snyder
 Location of property: S.E. Corner of Millford Mill Rd. and
Millford Charlotte Rd.
 Location of Signs: S.E. Corner of Millford Mill Rd. and Millford Mill
Charlotte Rd., #3 sign Corner of Millford Mill Rd. and Venture Lane
 Remarks:
 Posted by S. J. Austin Date of return Sept. 27, 1953
 Number of Signs 2

